

REMARKS

This paper is presented in response to the Office Action. No claims are canceled, amended or added by this paper. Claims 1-30 remain pending.

Reconsideration of the application is respectfully requested in view of the following remarks. For the convenience and reference of the Examiner, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

Applicants respectfully note that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicants have broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicants, in this case or any other, of: additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

Applicants note as well that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teachings and purported prior art status of the cited references at any appropriate time.

II. Objection to Claim 14

The Examiner has objected to claim 14, alleging that it is unclear from the preamble if claim 14 is related to a method or a system. Applicants respectfully disagree. The preamble (and body) of claim 14 clearly refers to a method involving the performance of various processes, reciting "...method for multiplexing a plurality of said signals into an output data stream comprising: providing first and second clock signals...clocking said circuit elements...and...clocking said selector..." *Emphasis added*. In light

of the foregoing, Applicants respectfully submit that claim 14 is not unclear, and the objection should be withdrawn.

III. Claim Rejections under 35 USC § 103

Applicants respectfully note at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP § 2143*.

The Examiner has rejected claims 1, 3-6, 8-14, 16, 18-25 and 27-30 under 35 USC § 103(a) as unpatentable over US 6,917,660 to Song (“*Song*”) in view of US 6,973,151 to Lysdal et al. (“*Lysdal*”). In addition, the Examiner has rejected claims 2, 4, 15, 17 and 26 under 35 USC § 103(a) as unpatentable over *Song* in view of *Lysdal* as applied to claims 1, 14, and 25, and further in view of US 5,774,508 to Kallman et al. (“*Kallman*”). Applicants respectfully disagree.

A. Claims 1, 3-6, 8-14, 16, 18-25 and 27-30

The rejection of claim 1 is problematic for a variety of reasons. For example, the rejection advanced by the Examiner is logically inconsistent and, for this reason at least, should be withdrawn. In particular, the Examiner has alleged that *Song* discloses a “circuit element 27” and a “selector 22.” *Office Action* at 3. With respect to the “selector 22,” the Examiner has further alleged that *Song* discloses “...a selector (22) coupled to said plurality of circuit elements [24, 23, 27]...” *Id. Emphasis added*. However, Figure 2a of *Song* (relied upon by the Examiner) indicates that “circuit element 27” is *part of* “selector 22” and, accordingly, the assertion of the Examiner that “selector 22” is coupled to “circuit element 27” is illogical.

The rejection advanced by the Examiner is problematic for other reasons as well. For example, the Examiner has alleged, with respect to the purportedly obvious combination, that “...it would have been obvious to ... consider the first and second signal [of *Song*] out of phase in order to align the phase of the first clock signal and the phase of the second clock signal.” *Office Action* at 4. *Emphasis added*. Notwithstanding these allegations, the Examiner has failed to identify what is purported to constitute the allegedly obvious combination. That is, the Examiner has not asserted how one of ordinary skill in the art would purportedly modify the *Song* device/method so as to arrive at the claimed invention. It appears the Examiner has, instead, proposed an alternate interpretation of *Song*. However, such an interpretation is

inconsistent with the admission of the Examiner that “...Song fails to teach the second clock signal is out of phase with respect to the first clock signal by a fixed offset.” *Id. Emphasis added.*

Not only has the Examiner failed to identify what is purported to constitute the allegedly obvious combination, but the Examiner has failed to assert, much less establish, why one of skill would be inclined to modify *Song*. In particular, the Examiner simply states that the combination, whatever it may be, is obvious “...in order to align the phase of the first clock signal and the phase of the second clock signal.” *Office Action* at 4. *Emphasis added.* However, the Examiner has failed to state why one of ordinary skill would purportedly find it useful or beneficial to implement such phase alignment in the Song method/device.

In light of the foregoing, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 1, at least because the Examiner has not established the existence of a suggestion or motivation to combine reference teachings, and because the Examiner has not shown that the references, when combined, teach or suggest all the limitations of claim 1. Applicants thus respectfully submit that the rejection of claim 1, as well as the rejection of corresponding dependent claims 3-6 and 8-13, should be withdrawn.

Turning now to independent claim 14, the Examiner has rejected that claim on largely the same grounds as claim 1 was rejected. See *Office Action* at 6-7. Applicants thus respectfully submit that the rejection of claim 14, as well as the rejection of corresponding dependent claims 16 and 18-24, lacks an adequate basis for at least the same reasons set forth above in connection with the discussion of the rejection of claim 1. Applicants thus respectfully submit that the rejection of claim 14, as well as the rejection of corresponding dependent claims 16 and 18-24, should be withdrawn.

Turning finally to independent claim 25, the Examiner has rejected that claim on largely the same grounds as claim 1 was rejected. See *Office Action* at 7-8. Applicants thus respectfully submit that the rejection of claim 25, as well as the rejection of corresponding dependent claims 27-30, lacks an adequate basis for at least the same reasons set forth above in connection with the discussion of the rejection of claim 1. Applicants thus respectfully submit that the rejection of claim 25, as well as the rejection of corresponding dependent claims 27-30, should be withdrawn.

B. Claims 2, 4, 15, 17 and 26

The Examiner has rejected claims 2, 4, 15, 17 and 26 “...as being unpatentable over [Song] in the view of Lysdal as applied to claims 1, 14 and 25 above, and further in view of Kallman...” *Office Action* at 8. *Emphasis added.* As noted above however, the rejection of claim 1, upon which the rejections of claims 2, 4, 15, 17 and 26 are based, lacks an adequate basis. Thus, insofar as the rejection of claims 2, 4,

15, 17 and 26 relies on the rejection of claim 1, the rejection of those claims is likewise inadequate and should accordingly be withdrawn.

CONCLUSION

In view of the remarks submitted herein, Applicants respectfully submit that each of the pending claims 1-30 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 17th day of December 2007.

Respectfully submitted,

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